

3:22-mj-00024

DISTRICT OF OREGON, ss:

AFFIDAVIT OF ADAM T. HOOVER

**Affidavit in Support of a Criminal Complaint and Arrest Warrant**

I, Adam T. Hoover, being duly sworn, do hereby depose and state as follows:

**Introduction and Agent Background**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since March 2017. My current assignment is as an investigator assigned to the Portland Field Office. I am trained in techniques and methods used to investigate violations of Federal law and threats to national security. My investigative experience includes cases involving threats to human life, threats to damage property and efforts to use violence or the threat of violence in support of or to counter a particular ideology. I am familiar with the use of electronic devices to conduct planning and communication prior to, during and in preparation for the conduct of illegal activity.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Michael Brandon DEMARRE. The arrest warrant is requested for interference and attempted interference with flight crew and attendants in violation of Title 49 U.S.C. § 46504; and threats to interfere with a flight crew and attendants in violation of Title 49 U.S.C. § 46507.

**Applicable Law**

3. Title 49 U.S.C. § 46504 makes it unlawful for any individual on an aircraft in the special jurisdiction of the United States to assault or intimidate, or attempts to assault or intimidate, a flight crew member or flight attendant of the aircraft, that results in the interference with the performance of the duties of the member or attendant or lessens the ability of the member or attendant to perform those duties.

4. Title 49 U.S.C. § 46507 makes it unlawful for any individual on an aircraft in the special jurisdiction of the United States to threaten to violate § 46504, with the apparent determination and will to carry out the threat.

5. Special aircraft jurisdiction under Title 49 U.S.C. §§ 46504 and 46507, gives the federal government jurisdiction in all criminal matters occurring on any civil aircraft of the United States while in flight, regardless of departure or arrival location.

6. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

#### **Statement of Probable Cause**

7. On February 11, 2022, while on Delta Airlines flight 1580 from Salt Lake City, Utah, to Portland, Oregon, passenger Michael Brandon DEMARRE, date of birth XX/XX/1990 attempted to open an emergency exit of the aircraft while it was in flight.

8. According to witness statements taken by officers of the Port of Portland Police Department, DEMARRE removed the plastic covering of the emergency exit handle and pulled on the handle with his full body weight. At this point a flight attendant addressed DEMARRE and demanded he cease touching the handle, which he did. The flight attendant then directed him to the rear of the aircraft where he was seated and physically restrained.

9. Flight attendants asked four passengers to watch DEMARRE and prevent him

from further interfering with the emergency exits. The response to DEMARRE's actions interrupted the regular performance of the flight attendants' duties and he required attention until the flight landed in Portland. There were no reports that DEMARRE appeared to be intoxicated or under the influence of drugs.

10. In Portland, DEMARRE was detained by the Port of Portland Police. DEMARRE admitted to officers that he engaged the emergency exit door handle so other passengers would video him, thereby giving him the opportunity to share his thoughts on COVID-19 vaccines.

11. The flight crew from the aircraft told Port of Portland Police officers the incident occurred while the aircraft was in flight.

12. I have reviewed a computerized criminal history (CCH) and conviction documents for Michael Brandon DEMARRE. The CCH and conviction documents show that DEMARRE has a prior 2020 conviction in Washington County for Driving Under the Influence of Intoxicants, and that he is currently on probation for that offense. He was also convicted in Washington County in 2021 of misdemeanor criminal mischief.

### **Conclusion**

13. Based on the foregoing, I have probable cause to believe, and I do believe, that DEMARRE committed the crimes of interference and attempted interference with flight crew and attendants in violation of Title 49 U.S.C. § 46504; and threats to interfere with a flight crew and attendants in violation of Title 49 U.S.C. § 46507. I therefore request that the Court issue a criminal complaint and arrest warrant for Michael Brandon DEMARRE.

14. Prior to being submitted to the Court, this affidavit, accompanying criminal complaint, and arrest warrant were reviewed by Assistant United States Attorney (AUSA)

Natalie Wight for the District of Oregon. AUSA Wight advised me that in her opinion the affidavit and criminal complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

*By Phone*

ADAM T. HOOVER

Special Agent

Federal Bureau of Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at

3:00

a.m.

p.m. on February 12, 2022



HONORABLE STACIE F. BECKERMAN  
United States Magistrate Judge